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APR 26 2004

OFFICE OF PETITIONS

Decision on Petition

In re Application of :
Dunagan et al. :
Application No. 10/686,620 :
Filed: October 17, 2003 :
Attorney Docket Number: :
223569 :

This is a decision in response the Petition for Grant of Filing Date and Request for Refund, filed February 24, 2004, requesting the application be accorded a filing date of October 17, 2003, including 14 sheets of drawings.

The petition is granted.

The application was filed on October 17, 2003. However, on February 2, 2004, the Office of Initial Patent Examination mailed a Notice of Incomplete Provisional Application, noting that a filing date had not been accorded the application because the application had been deposited without drawings.

In response, Applicant files the instant petition wherein Applicant avers that 14 sheets of drawings were originally filed with the application on October 17, 2003, and were received by this Office as evidenced by the return-receipt postcard. In support of this assertion, Applicant provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 14 sheets of drawings on October 17, 2003.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of, *inter alia*, 14 sheets of drawings on October 17, 2003. Petitioner has also re-submitted the formal drawings with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the Patent and Trademark Office will check the listing on the post

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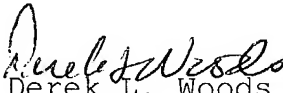
card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The copy of the 14 sheets of formal drawings, supplied on February 24, 2004, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 12-1216 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of October 17, 2003, and an indication that 14 sheets of drawings were present on filing, using the 14 sheets of drawings filed on February 24, 2004.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.


Derek L. Woods
Petitions Attorney
Office of Petitions

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UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 4-23-04

2 Serial/Patent # 10/686,620

3 Please refund the following fee(s):

4 PAPER
NUMBER

5 DATE
FILED

6 AMOUNT

Filing

Amendment

Extension of Time

Notice of Appeal/Appeal

☒ Petition

Issue

Cert of Correction/Terminal Disc.

Maintenance

Assignment

Other

2/24/04

\$ 130.⁰⁰

7 TOTAL AMOUNT
OF REFUND

\$ 130.⁰⁰

8 TO BE REFUNDED BY:

Treasury Check

Credit Deposit A/C #:

9 12--1216

10 REASON:

Overpayment

Duplicate Payment

No Fee Due (Explanation):

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: _____ TITLE: _____

SIGNATURE: _____ PHONE: _____

OFFICE: _____

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APPROVED: *Alicia Kelly* DATE: 4-25-04

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